



Joe Mullan, President and CEO
Ainley and Associates
550 Welham Road
Barrie, Ontario
L4N 8Z7

July 28, 2010

Re: Significant Outstanding Issues for Environmental Assessment
Innisfil Sewage Treatment Plant Expansion

Dear Mr. Mullan,

Thank you for meeting with me on Tuesday about the Innisfil Sewage Treatment Plant (STP) expansion Environmental Assessment (EA). As a member of both the Innisfil STP EA Liaison Advisory Committee and of the provincial Lake Simcoe Coordinating Committee, some issues have come to my attention that need to be addressed before this project can proceed.

This EA is the first STP expansion to occur under the *Lake Simcoe Protection Act*, and as such it sets a precedent for how future STP expansions occur on the Lake. While we do not support any increases in phosphorus loads, Environmental Defence believes that any increase in phosphorus loads, from any source, must only take place where it has been demonstrated that a greater load will be offset somewhere else. Innisfil has not demonstrated this. The successful implementation of the *Lake Simcoe Protection Act* and Plan requires diligence and attention to the opportunities for improvements to the Lake. The Innisfil STP project as presently constituted is, in our respectful submission, a missed opportunity for the Lake.

Furthermore, we are deeply concerned that this EA, and in particular the public consultation component, has been conducted under the “chill” of tens of millions in outstanding law-suits against

residents of Innisfil opposed to the Big Bay Point mega-marina and resort. Completing this EA under these circumstances is unacceptable.

Below is an outline of our concerns, followed by some detailed ideas about conditions that could be placed on the Town of Innisfil during this EA.

Respectfully, we would like Innisfil to address the concerns listed in this letter in their preparation of and public communication regarding the STP EA. Environmental Defence is happy to continue to work with the Town on these concerns. Should you have any questions, please do not hesitate to contact me (not between July 30 and August 6th.) Notwithstanding our commitment to collaborate with the Town in the best interests of the Lake, we reserve the right to seek provincial intervention and a bump-up of this project to ensure the most rigorous assessment.

Sincerely,

Claire Malcolmson

Advisor to Campaign Lake Simcoe, Environmental Defence

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cc. Brenda Lucas, Senior Advisor - Water Policy, MoE

Jim Zimmerman, Director of Infrastructure and Town Engineer, Town of Innisfil

Ross Cotton, Manager of Planning, Town of Innisfil

Grant Shellswell, Acting Manager of Engineering, Town of Innisfil

Concerns:

- The lake will receive an additional Phosphorous load, and no benefits to the lake or residents will accompany this STP expansion.
- It is unclear how the Phosphorus Reduction Strategy and this STP EA conform to the Premier's promise that "no new development will be allowed to harm the lake", including unplanned new "resort" growth e.g. Big Bay Point mega-marina.
- Water conservation is inadequately addressed in this EA.
- Until each subwatershed and municipality affected by an STP expansion has a subwatershed plan it is premature to approve a Phosphorus load increase from any sector. Innisfil's plan is not complete, a factor that singularly warrants suspension of this EA.
- Reporting required for the financing of long-term waste water plant expansions is unclear.
- The technology used to pump water up to Big Bay Point is considered in a separate EA. Innisfil should not scope the EA's in a way that carves off pieces that are relevant to the impacts of the project, and put them in separate EAs. This method of circumventing EA is called "piece-mealing" and it is NOT permitted by law.
- Many residents of Big Bay Point affected by the STP expansion may have felt threatened by the lawsuits leveled against opponents of the Big Bay Point marina by its developer, and did not participate in the public consultation on the STP expansion. In light of this unfortunate climate of fear, please explain how the public consultation component of this EA met your Environmental Bill of Rights duty to conduct public consultation in an "an open and consultative process when making decisions that might significantly affect the environment".

Conditions:

- **Water conservation.** Innisfil has not demonstrated that their conservation plan is adequate. This STP expansion assumes 400 L/day use from domestic plus some infiltration sources and localized commercial uses (ie. Tim Hortons). The Canadian residential average is 329 L/person /day. Guelph has achieved 210 L/day residential and extended the life of their STP.
 - 210 L/day should become the new residential standard to get approval for an STP expansion.
 - Policy 5.3 from the Lake Simcoe Protection Plan says that conservation plans should be completed within 5 years of the date the Plan comes into effect. Fulfilling policy 5.3 could be a condition of an STP expansion approval.
 - In light of the province's intentions under the *Ontario Water Opportunities and Water Conservation Act*, approving Innisfil's STP expansion should be contingent on a sustainability or water conservation plan.
 - Innisfil's current water volume could be kept as Innisfil's cap.
 - Infrastructure grants could be conditional on water conservation plans.
 - Require that land use planning bylaws are changed to require for green building, targeting better soil infiltration and water conservation.
 - The capacity ledger includes thousands of units listed that may never be hooked up to water services because the density is too low to justify the expense – cottages in particular. In the past year the town Council voted to not connect one the places listed (Big Cedar). This capacity ledger justifies overbuilding the STP, and represents a departure from the

conservation orientation the province has recently displayed. The capacity ledger needs to be reconciled with Innisfil's master water servicing plan.

- **Subwatershed evaluations** as identified in LSP Plan policies 8.1 – 8.4 should be in place before this approval is granted.
 - Innisfil's subwatershed plan has not been released. (I have asked but got no answer about whether the subwatershed plan is in progress now.)
 - Until each subwatershed and municipality affected by an STP expansion has a subwatershed plan it is premature to approve a Phosphorus load increase from any sector (beyond what has already been determined by the Phosphorus Reduction Strategy.)
 - This condition has the advantage of incenting municipalities to complete a subwatershed plan and implement it through amendments to their bylaws and Official Plans.
 - For example, subwatershed plans should address "natural heritage restoration and enhancement" (LSPP policy 8.1 b) v.) The LSPP's aspirational target of "40% natural cover" must be reflected in the Official Plan as a land use plan.
 - Much sewage "waste" ends up being liquefied and spread on farmers' fields. Have these impacts been considered in the Lake Simcoe Protection Plan or the EA? This is one of the many hard-to-measure impacts of having more and more people in the watershed. This is another reason why we need subwatershed evaluations.

- **Subwatershed Phosphorus loading targets** must be defined in conjunction with Plan Policy 4.24 the *Phosphorus Reduction Strategy*, including in particular "an identification of practical and effective actions that should be taken to address each source or sector" (4.24 d). Among other things, it is important to know what proportion of the municipality's total Phosphorus loading plan the STP expansion consumes.

- **A septic system inspection program** must be in place and operating. Municipalities should be required to update bylaws, or the province to update the building code.
 - The final draft of this regulation is not yet public.
 - This would help address the problem that arises as municipalities consider hooking up all existing residents to a sanitary sewer and water. In low-density settings this may be financially impractical.
 - A mandatory septic inspection program might help to address this unresolved problem.

- **The financing** of future improvements, expansions, and work requiring new investments must be planned.
 - The proposed *Water Opportunities and Conservation Act* proposes municipal "water sustainability plans" which would apply to all of drinking water, sewer treatment, and stormwater systems.
 - From *An Act respecting the cost of water and waste water services: Sustainable Water and Sewage Systems Act, 2002!* "10. (1) Every regulated entity that provides waste water services to the public shall prepare and approve a plan describing how the entity intends to pay the full cost of providing those services."

- Is this enforced in Innisfil yet?
 - The public has a right to know whether the Big Bay Point Sanitary Sewer hook-up will be financed by the developer, or whether residents are about to receive a nasty \$20,000 - \$30,000 surprise i.e. a bill for hook-up.
- **Other ideas:** compliance reporting which covers progress on subwatershed plan implementation, and/or develop a Community Advisory Committee.

Under "§ 10(1)(+,*- , the Province will not service urban growth outside the urban growth boundary.

- Why is the Big Bay Point project being serviced? The developer should be required to find a local treatment option that does not impact/compromise future urban growth and servicing as it was exempted from consideration under the Simcoe OP and Places to Grow. Why the double-standard?
- Will this arrangement service the settlement area expansions in Bradford West Gwillimbury along the 400 and in Bond Head? If so this is a violation of Places to Grow re: servicing.